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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TIEU, BINH KIEN

ART UNIT PAPER NUMBER

2643

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/972,858

Applicant(s)

KAMEI, TAKAYUKI

Examiner

BINH K. TIEU

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2, 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1, 3, 5, 7, 9 and 11 are objected to because of the following informalities:
abbreviated term "DAB" should be read as "Digital Audio Broadcasting" and term "PTY" should be read as "program type". For examination purposes, the Examiner assumed that the term "DAB" and "PTY" should be rewritten as "Digital Audio Broadcasting (DAB)" and "program type (PTY)." Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomita et al. (U.S. Pat. #: 6,100,884).

Regarding claim 1, Tomita et al. ("Tomita") teaches a broadcast program search method in a digital broadcasting radio apparatus (i.e., terminal device 2 shown in figure 1), comprising:

the step of activating the broadcast program search program and switching to a broadcast program search mode (col.5, lines 53-60);

the step of selecting a search item and setting the search condition of the search item by an operation by a user (col.5, lines 62-66);

the search step of performing search by the search item selected by the user on the basis of the selection of the search item and the set search condition the search item (col.6, lines 1-5 and col.10, lines 45-51);

the channel selection step of selecting a channel on the basis of the search result in the search step (col.9, lines 21-27 and col.12, line 33 – col13, line 25); and

the step of checking whether to again perform search if the search is unsuccessful, repeating the setting under the set search condition if the search is to be again performed, and terminating the broadcast program search program if no search is to be again performed (col.11, lines 1-18).

Regarding claim 2, note col.13, lines 30-54 and col.14, lines 32-41.

Regarding claim 3, note col.11, lines 1-35.

Regarding claim 4, note col.12, line 28 – col.13, line 15.

Regarding claim 5, Tomita teaches a broadcast program search method in a digital broadcasting radio receiving apparatus comprising:

searching broadcast program information on a broadcast wave currently being received for program information (col.5, lines 27-30; lines 43-47) concerning a program type (PTY), a service label, and a service component label, during regular reception, by using a search routine for forming a program information storage list concerning PTY search, a search

routine for forming a program information storage list concerning service label search, and a search routine for forming a program information storage list concerning service component search (col.5, line 53 – col.6, line 25); and

referring to data of the program information storage lists formed by the search routines for forming the program information storage lists, in order to compare the data with search conditions, by using a PTU search routine, a service label search routine, and a service component search routine, thereby rapidly receiving a broadcast program desired by a user (col.11, lines 1-42 and col.4, lines 35-54).

Regarding claim 6, note col.4, lines 13-54 and col.7, line 60 – col.9, line 17.

Regarding claim 7, Tomita teaches a computer-readable storage medium recording a broadcast program search method in a digital broadcasting radio apparatus (i.e., terminal device 2 shown in figure 1), comprising:

the process of activating the broadcast program search program and switching to a broadcast program search mode (col.5, lines 53-60);

the process of selecting a search item and setting the search condition of the search item by an operation by a user (col.5, lines 62-66);

the search process of performing search by the search item selected by the user on the basis of the selection of the search item and the set search condition the search item (col.6, lines 1-5 and col.10, lines 45-51);

the channel selection process of selecting a channel on the basis of the search result in the search step (col.9, lines 21-27 and col.12, line 33 – col13, line 25); and

the process of checking whether to again perform search if the search is unsuccessful, repeating the setting under the set search condition if the search is to be again performed, and terminating the broadcast program search program if no search is to be again performed (col.11, lines 1-18).

Regarding claim 8, note col.13, lines 30-54 and col.14, lines 32-41.

Regarding claim 9, note col.11, lines 1-35.

Regarding claim 10, note col.12, line 28 – col.13, line 15.

Regarding claim 11, Tomita teaches a computer-readable storage medium recording a broadcast program search program for a digital broadcasting radio receiving apparatus comprising the processes of:

searching broadcast program information on a broadcast wave currently being received for program information (col.5, lines 27-30; lines 43-47) concerning a program type (PTY), a service label, and a service component label, during regular reception, by using a search routine for forming a program information storage list concerning PTY search, a search routine for forming a program information storage list concerning service label search, and a search routine for forming a program information storage list concerning service component search (col.5, line 53 – col.6, line 25); and

referring to data of the program information storage lists formed by the search routines for forming the program information storage lists, in order to compare the data with search conditions, by using a PTU search routine (col.11, lines 1-42 and col.4, lines 35-54).

Regarding claim 12, note col.4, lines 13-54 and col.7, line 60 – col.9, line 17.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tomita et al. (U.S. Pat. #: 6,230,324) and (U.S. Pat. #: 6,732,372) also teaches similar invention in Tomita et al. (U.S. Pat. #: 6,100,884) applied above.

Although the Takahisa et al. (US. Pat. #: 5,812,937, 5,579,537 and 5,577,266) are not applied into this Office Action, they are also called to Applicants attention. They may be used in future Office Action(s). These references are also concerned with a broadcast program search method in digital broadcasting radio receiving apparatus.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).



**BINH TIEU
PRIMARY EXAMINER**

Art Unit 2643

Date: July 30, 2004